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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,531	04/02/2004	Marc Schaepkens	133525-1/YOD GERD:0065	4869
7590	07/21/2005			EXAMINER WILSON, ALLAN R
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2815	PAPER NUMBER

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,531	SCHAEPKENS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Allan R. Wilson	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) 11-33 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0404</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claims 2 and 8 are objected to because of the following informalities:

Claim 2 recites the limitation “the barrier coating” in line 2. There is insufficient antecedent basis for this limitation in the claim.

The term “low” in claim 8 is a relative term which renders the claim indefinite. The term “low” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The value of permeability has been rendered indefinite.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

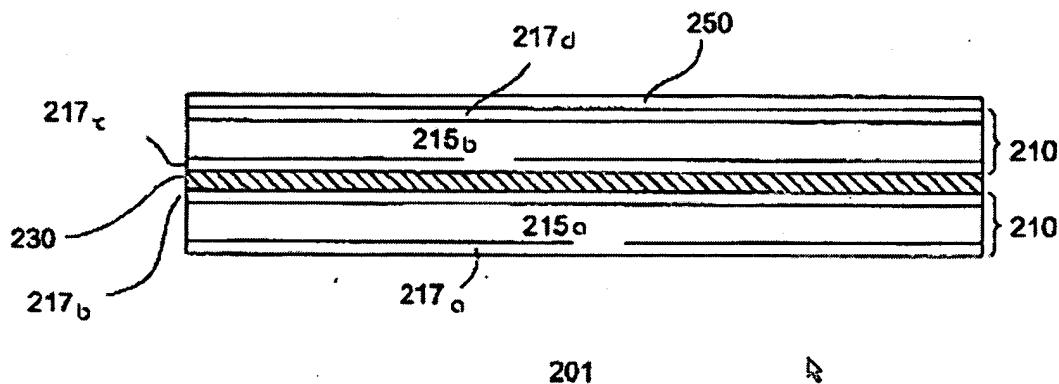
- (e) the invention was described in
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,737,753 to Kumar et al. (“Kumar”).

With regards to claim 1, Kumar illustrates in figures 1-7, particularly figures 2 and 5, (entire document) a flexible substrate 201a comprising a polymeric transparent film 215 (col. 2, lines 24-28); an organic electronic device 560 coupled to the transparent film; a sealant 580 coupled to the flexible substrate and disposed about the perimeter of the organic electronic device; and a superstrate 201b coupled to the sealant and disposed proximate to the organic electronic device.

With regards to claim 2, Kumar illustrates in Fig. 2 the flexible substrate 201 comprises the barrier coating 217.

The following copy of Kumar's Fig. 2 will be used for rejection of claims 3-5:



With regards to claim 3, the above fig. illustrates a first protective layer 217<sub>a</sub> configured to resist abrasion ; a polymeric transparent film 215 coupled to the first protective layer; a barrier coating 217<sub>c</sub> coupled to the transparent film; and a second protective layer 217<sub>d</sub> coupled to the barrier coating and configured to protect the transparent film from chemical attach during fabrication.

The limitations "resist abrasion" and "protect the transparent film from chemical attach during fabrication" is an inherent function of the material. Kumar discloses in col. 2, lines 38-

41, the barriers are metal oxide, silicon oxide or nitrides; which are abrasion and chemical resistant.

With regards to claim 4, the above fig. illustrates a first protective layer 217<sub>a</sub> configured to resist abrasion; a first polymeric transparent film 215a coupled to the first protective layer; a first barrier coating 217<sub>b</sub> coupled to the first transparent film; a second barrier coating 217<sub>c</sub> coupled to the first barrier coating via an adhesive layer 230; a second polymeric transparent film 215b coupled to the second barrier coating; and a second protective layer 217<sub>d</sub> coupled to the barrier coating and configured to protect the transparent film from chemical attach during fabrication.

With regards to claim 5, the above fig. and Fig. 5 illustrates a barrier coating 217<sub>d</sub> coupled between the flexible substrate 201a and the organic electronic device 560.

With regards to claim 6, Kumar discloses in at least col. 3, lines 49-52, the organic electronic device comprises an organic light emitting diode (OLED).

With regards to claim 8, Kumar discloses in col. 3, lines 63-67, the sealant 580 comprises an adhesive material having a low permeability.

With regards to claim 9, Kumar illustrates in Figs. 5-7 the sealant 580 comprises a thickness that is greater than a thickness of the organic electronic device 560.

With regards to claim 10, Kumar illustrates in Fig. 4 and discloses in col. 3, lines 41-47, the superstrate 201b comprises a metal foil 450.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 USC § 103 (a) as being unpatentable over Kumar as applied to claim 1 above, and further in view of U.S. Patent No. 6,624,568 to Silvermail.

With regards to claim 7, Kumar is discussed above, it does not show an organic photovoltaic device. Silvermail illustrates in figures 1-6 and discloses in col. 1, lines 14-18, an organic optoelectronic devices include circuits, such as OLEDs and organic photovoltaic device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an organic photovoltaic device as a well known substitute.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Grace et al. (illustrates a hybrid device for various displays) and McCormick et al. (illustrates an encapsulated OLEDs).

Field of Search	Date
U.S. Class and subclass: 257/40, 94, 99-100	July 19, 2005
Other Documentation: None	N/A
Electronic data base(s): EAST (USPAT, US-PGPUB, JPO, EPO, Derwent, IBM TDB)	July 19, 2005

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is (571) 272-1738. Examiner Wilson can normally be reached 7:00-4:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allan R. Wilson  
Primary Examiner  
July 19, 2005